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FILED
OCT 29 2007
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff-Appelle,

v.

JONATHAN HOUSE,

Defendant-Appellant.

DC # CR-06-2332-TJW

DECLARATION OF COUNSEL IN SUPPORT OF MOTION UNDER 28 U.S.C. § 2255

I, Stephen E. Hoffman, declare:

1. I am a member of the Bar of this Court. I previously represented defendant Jonathan House in the above-entitled case in connection with his guilty plea and sentencing.
2. Mr. House pleaded guilty pursuant to a plea agreement, with which I was familiar. I recall that the plea agreement contained a term under which Mr. House waived his right to appeal his sentence so long as this Court imposed a sentence within the advisory guideline range recommended by the government.
3. I appeared before this Court at the change of plea hearing in which Mr. House pleaded guilty.
4. It also represented Mr. House at the sentencing hearing. After sentencing, Mr. House told me he wanted to appeal his sentence and asked me whether he could appeal. I told him that he could not,

because he had waived his right to appeal. I did not file a notice of appeal on his behalf.

5. I did not realize that, at the change of plea hearing, the district court did not advise Mr. House that he was waiving his right to appeal pursuant to the plea agreement. Therefore, I did not consider whether the court's failure to advise Mr. House of the waiver of the right to appeal affected the validity of that waiver.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 17 day of October, 2007, at San Diego California.

Stephen E. Hoffman

CERTIFICATE OF SERVICE

I, the undersigned, declare:

I am a citizen of the United States, over the age of 18 years and not a party to the within cause; my business address is 2626 Harrison St., Oakland, California 94612.

On October 29, 2007, I served a copy of the attached

Decl. of Counsel in Sup. of 2255 Motion

upon the interested parties herein, through ECF. The parties served, both of whom are registered for electronic filing, are

Alessandra Serano, Esq.
Asst. United States Attorney
880 Front St., Rm. 6293
San Diego, CA 92101-8893

Stephen E. Hoffman, Esq.
136 Redwood St.
San Diego, CA 92103

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on October 29, 2007.

/s
Karen Landau